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May 6, 2024

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 127. SO ORDERED.

By ECF

Hon. Jesse M. Furman  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, New York 10007

A handwritten signature in black ink, appearing to read 'John J. Clarke, Jr.', written over a blue date stamp.

May 7, 2024

Re: UMB Bank, N.A. v. Bristol-Myers Squibb Company, No. 21 Civ. 4897 (JMF)

Dear Judge Furman:

We represent defendant Bristol-Myers Squibb Company (“BMS”) in this action. In accordance with the Court’s Individual Rules and Practices in Civil Cases, I am writing to request leave of the Court to file under seal certain confidential materials being submitted by BMS in support of its supplemental brief concerning subject matter jurisdiction.

In connection with its supplemental brief, BMS is filing a supporting declaration attaching two exhibits that have been designated confidential by others under the Stipulation and Order Governing Confidentiality of Discovery Materials and Preservation of Privilege, which was entered by the Court on August 9, 2022 [ECF No. 41].

1. We are attaching to the supporting declaration a one-page excerpt from the Rule 30(b)(6) deposition of non-party Pentwater Capital Management LP (“Pentwater”), which Pentwater has designated confidential under the stipulated protective order;

2. For the convenience of the Court, we also are attaching to the supporting declaration copies of certain letters to The Depository Trust Company that were among the collection of letters included by plaintiff UMB Bank, N.A. (“UMB”) in composite exhibits to the Declaration of Maria Ginzburg dated April 17, 2024 (“Ginzburg Declaration”) [ECF No. 117]. UMB has designated the letters confidential, and the Court entered an order sealing those materials temporarily in response to UMB’s motion to file them under seal [ECF No. 126].



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BMS is filing on the public docket a redacted version of its supplemental brief. The limited redactions shield from public view any quotation from confidential materials, including not only the materials described above but also certain other information obtained from the exhibits to the Ginzburg Declaration. In accordance with the Court's Individual Rules and Practices, an unredacted copy of the supplemental brief is being filed under seal with the proposed redactions highlighted.

Of Counsel:

Jessica A. Masella  
Steven M. Rosato  
Jessica P. Wright

Respectfully submitted,

DLA PIPER LLP (US)

/s/ John J. Clarke, Jr.

John J. Clarke, Jr.